**IN THE HIGH COURT OF JUDIATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**
**WRIT PETITION NO.9783 OF 2003**

Dattu Shankar Gosavi (Jadhav) .. Petitioner
Vs.
Smt.Shantabai Baburao Gosavi (Jadhav) and Ors. .. Respondents.

Mr.R.D.Soni for the petitioner.

**CORAM : D.B.BHOSALE, J.**
**DATED : 17TH FEBRUARY, 2005**

P.C.:

. Heard Mr.Soni, learned counsel for the petitioner.

2. This petition is directed against the order dated 14.10.2003 passed below application 'Exhibit 107' which was filed under section 10 of Civil Procedure Code seeking stay to the suit filed by the petitioner in view of the pendency of the R.C.S. No.79/2000 filed by the respondents. This order was passed in October 2003. Mr.Soni, learned counsel for the petitioner has no instructions as to what happened to the suit and whether R.C.S.No.208/1999 is still pending. It appears that by passage of time the petitioner has lost interest in this petition and, therefore, they are not in touch with Mr.Soni and hence he is not in a position to make positive statement regarding status of both the suits. Even otherwise there is no merit in the petition. The writ petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)